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CHAPTER II

CLASS LEGISLATION

[By Ida B. Wells]

The Civil War of 1861-5 ended slavery. It left us free, but it also left us homeless, penniless, ignorant, nameless and friendless. Life is derived from the earth and the American Government is thought to be more humane than the Russian. Russia's liberated serf was given three acres of land and agricultural implements with which to begin his career of liberty and independence. But to us no foot of land nor implement was given. We were turned loose to starvation, destitution and death. So desperate was our condition that some of our statesmen declared it useless to try to save us by legislation as we were doomed to extinction.

The original fourteen slaves which the Dutch ship landed at Jamestown, Virginia in 1619, had increased to four millions by 1865, and were mostly in the southern states. We were liberated not only empty-handed but left in the power of a people who resented our emancipation as an act of unjust punishment to them. They were therefore armed with a motive for doing everything in their power to render our freedom a curse rather than a blessing. In the halls of National Legislation the Negro was made a free man and citizen. The southern states, which had seceded from the Union before the war, regained their autonomy by accepting these amendments and promising to support the constitution. Since "reconstruction" these amendments have been largely nullified in the south, and the Negro vote reduced from a majority to

a cipher. This has been accomplished by political massacres, by midnight outrages of Ku Klux Klans, and by state legislative enactment. That the legislation of the white south is hostile to the interests of our race is shown by the existence in most of the southern states of the convict lease system, the chain-gang, vagrant laws, election frauds, keeping back laborers' wages, paying for work in worthless scrip instead of lawful money, refusing to sell land to Negroes and the many political massacres where hundreds of black men were murdered for the crime(?) of casting the ballot. These were some of the means resorted to during our first years of liberty to defeat the little beneficence comprehended in the act of our emancipation.

The South is enjoying to-day the results of this course pursued for the first fifteen years of our freedom. The Solid South means that the South is a unit for white supremacy, and that the Negro is practically disfranchised through intimidation. The large Negro population of that section gives the South thirty-nine more votes in the National Electoral College which elects the President of the United States, than she would otherwise have. These votes are cast by white men who represent the Democratic Party, while the Negro vote has heretofore represented the entire Republican Party of the South. Every National Congress has thirty-nine more white members from the South in the House of Representatives than there would be, were it not for the existence of her voiceless and unrepresented Negro vote and population. One Representative is allowed to every 150,000 persons. What other States have usurped, Mississippi made in 1892, a part of her organic law.

The net result of the registration under the educational and poll tax provision of the new Mississippi Constitution is as follows.

Over 21 years. Registered votes.	
Whites - - -	110,100
Negroes - -	147,205
Total - - -	257,305
	76,742

In 1880 there were 130,278 colored voters, a colored majority of 22,024. Every county in Mississippi now has a white majority. Thirty-three counties have less than 100 Negro votes.

Yazoo county, with 6,000 Negroes of voting age, has only nine registered votes, or one to each 666. Noxubee has four colored voters or one to each 320 colored men. In Lowndes there is one colored voter to each 320 men. In the southern tier counties on the Gulf about one Negro man in eight or ten is registered, which is the best average.

Depriving the Negro of his vote leaves the entire political, legislative, executive and judicial machinery of the country in the hands of the white people. The religious, moral and financial forces of the country are also theirs. This power has been used to pass laws forbidding intermarriage between the races, thus fostering immorality. The union, which the law forbids, goes on without its sanction in dishonorable alliances.

Sec. 3297, M. & V. Code Tennessee, provides that: The intermarriage of white persons with Negroes, Mulattoes or persons of mixed blood descended from a Negro to the third generation inclusive, or their living together as man and wife in this State, is hereby forbidden.

Sec. 3292, M. & V. Code, Tenn., provides that: The persons knowingly violating the provisions in above Section shall be deemed guilty of a felony, and upon conviction thereof shall undergo imprisonment in the penitentiary not less than one nor more than five years; and the court may, in the event of conviction, on the recommendation of the jury, substitute in lieu of punishment in the penitentiary, fine and imprisonment in the county jail.

NOTES:—It need not charge the act to have been done knowingly. Such persons may be indicted for living together as man and wife though married in another state where such marriages are lawful. 7 Bol. 9. This law is constitutional. 3 Hill's 287.

Out of 44 states only twenty-three states and territories allow whites and Negroes to marry if they see fit to contract such alliances, viz: Louisiana, Illinois, Kansas, Connecticut, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming. All of these are northern states and territories except one—Louisiana.

The others, especially Virginia, Maryland, W. Virginia, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Missis-

issippi, Arkansas, Kentucky, Missouri, Indiana, Tennessee, and Texas, have laws similar to the Tennessee Statute. Under these laws men and women are prosecuted and punished in the courts of these states for inter-marrying, but not for unholy alliances.

"The Thirteenth amendment to the Constitution making the race citizens, was virtually made null and void by the legislatures of the reconstructed states. So it became necessary to pass the Civil Rights Bill giving colored people the right to enter public places and ride on first-class railroad cars."—Johnson's History of the Negro race in America. This Bill passed Congress in 1875. For nearly ten years it was the Negro's only protection in the south. In 1884 the United States Supreme Court declared the Civil Rights Bill unconstitutional. With "state's rights" doctrine once more supreme and this last barrier removed, the southern states are enacting separate car laws. Mississippi, Louisiana, Texas, Arkansas, Tennessee, Alabama, Georgia and Kentucky have each passed a law making it punishable by fine and imprisonment for colored persons to ride in the same railway carriage with white persons unless as servants to white passengers. These laws have all been passed within the past 6 years. Kentucky passed this law last year (1892). The legislatures of Missouri, West Virginia and North Carolina had such bills under consideration at the sessions this year, but they were defeated.

Aside from the inconsistency of class legislation in this country, the cars for colored persons are rarely equal in point of accommodation. Usually one-half the smoking car is reserved for the "colored car." Many times only a cloth curtain or partition run half way up, divides this "colored car" from the smoke, obscene language and foul air of the smokers' end of the coach. Into this "separate but equal(?)" half-carriage are crowded all classes and conditions of Negro humanity, without regard to sex, standing, good breeding, or ability to pay for better accommodation. White men pass through these "colored cars" and ride in them whenever they feel inclined to do so, but no colored woman however refined, well educated or well dressed may ride in the ladies, or first-class coach, in any of these states unless she is a nurse-maid traveling with a white child. The railroad fare is exactly the same in all cases however. There is no redress at the hands of the law. The men who execute the law share the same prejudices as those who made these

laws, and the courts rule in favor of the law. A colored young school teacher was dragged out of the only ladies coach on the train in Tennessee by the conductor and two trainmen. She entered suit in the state courts as directed by the United States Supreme Court. The Supreme Court of the State of Tennessee, although the lower courts had awarded damages to the plaintiff, reversed the decision of those courts and ruled that the smoking car into which the railway employees tried to force the plaintiff was a first-class car, equal in every respect to the one in which she was seated, and as she was violating the law, she was not entitled to damages.

The Tennessee law is as follows,

—Chapter 52—Page 135—An Act to promote the comfort of passengers on railroad trains by regulating separate accommodations for the white and colored races.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee—That all railroads carrying passengers in the State (other than street railroads) shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by a partition so as to secure separate accommodations; PROVIDED, that any person may be permitted to take a nurse in the car or compartment set aside for such persons; PROVIDED, that this Act shall not apply to mixed and freight trains which only carry one passenger or combination passenger and baggage; PROVIDED, always that in such cases the one passenger car so carried shall be partitioned into apartments, one apartment for the whites and one for the colored.

SEC. 2. Be it further enacted: That the conductors of such passenger trains shall have power and are hereby required to assign to the car or compartments of the car (when it is divided by a partition) used for the race to which such passengers belong, and should any passenger refuse to occupy the car to which he or she is assigned by such conductor, said conductor shall have power to refuse to carry such passenger on his train, and for such neither he nor the railroad company shall be liable for any damages in any court in this State.

SEC. 3. Be it further enacted: That all railroad companies that shall fail, refuse or neglect to comply with the requirements of section 1, of

this Act shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, be fined not less than one hundred, nor more than four hundred dollars, and any conductor that shall fail, neglect or refuse to carry out the provisions of this Act shall, upon conviction, be fined not less than twenty-five, nor more than fifty dollars for each offense.

SEC. 4. Be it further enacted: That this Act take effect ninety days from and after its passage, the public welfare requiring it.

Passed March 11, 1891.

Thomas R. Myers.

Speaker of the House of Representatives.

Approved March 27, 1891.

W. C. DISMUKES,

Speaker of Senate.

JOHN P. BUCHANAN,

Governor.